

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :
THE HONOURABLE MR. JUSTICE A.K.BASHEER
&
THE HON'BLE MR. JUSTICE S. SIRI JAGAN
WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929
RP.No. 238 of 2006(H)

AGAINST THE JUDGEMENT/ORDER IN WPC.20441/2005

PETITIONERS:

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1. THE PONMANA SAMRAKSHANA SAMITHI,
PONMANA, CHAVARA, KOLLAM REPRESENTED BY ITS
CONVENOR B. ANILKUMAR, MALAYIL HOUSE,
PONMANA P.O., CHAVARA.
 2. SHIJI. A., SHIJI BHAVANAM,
PONMANA P.O., CHAVARA, KOLLAM DISTRICT.

BY ADV. SRI.K.RAMAKUMAR
RESPONDENTS:

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1. THE KERALA MINERALS AND METALS LIMITED
SANKARAMANGALAM, CHAVARA, KOLLAM REPRESENTED
BY ITS GENERAL MANAGER (P & A).
 2. SURESHKUMAR S., PAYITHALA VADAKKETHIL
PONMANA, CHAVARA KOLLAM.
 3. T.P. PRAKASH, THURUTHEN PUTHEN VEEDU,
PONMANA, CHAVARA, KOLLAM.
 4. S. JAYAKUMAR, RADHALAYAM, PONMANA,
CHAVARA, KOLLAM.
 5. SAJITH. G., THEKKEETATH, PONMANA,
CHAVARA, KOLLAM.
 6. JAYAPALAN, KINNATTINKARA, PONMANA
CHAVARA, KOLLAM.
 7. VIJAYAN, VIJAYAPURAM,
PONMANA, CHAVARA, KOLLAM.
 8. K. HRIDAYAKUMAR, KOCHERIL,
PONMANA, CHAVARA, KOLLAM.
 9. THE DISTRICT COLLECTOR, KOLLAM.
 10. THE DISTRICT SUPERINTENDENT OF POLICE,
KOLLAM.
 11. THE CIRCLE INSPECTOR, POLICE STATION,
CHAVARA.
 12. THE SUB INSPECTOR OF POLICE,
POLICE STATION, CHAVARA.

BY ADV. SRI.U.K.RAMAKRISHNAN
SRI.E.K.MADHAVAN
SRI.P.V.LOHITHAKSHAN
SR. GOVERNMENT PLEADER SRI.BENNY GERVACIS.
SRI.T.GOPALAKRISHNAN
SRI.C.RAJENDRAN

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 10/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

RP.238/2006

in W.P(C).20441/2005

Dated this the 10th day of October, 2007.

ORDER

Basheer,J:

Petitioners claim that they represent Ponmana Samrakshana Samithi in Ponmana area near Chavara in Kollam district. It is contended by them that the people whom they represent are living in the coastal area where the width of the sea cost is only 14 meters and that the excavation that is now being carried on by the writ petitioner Company is making their life miserable.

2. Petitioners who were not parties to the above writ petition have preferred this review petition after obtaining leave. Curiously the prayer in this petition is to reconsider the judgment in the writ petition, after affording the petitioners an opportunity to be heard.

3. This Court had disposed of the above writ petition by judgment dated August 17, 2005 making the interim order absolute. By the interim order the Division Bench had directed the Police to ensure that the right of the Company to remove sand was not in any way interfered with. It is significant to note that the above interim order was passed on the basis of the submission made by learned counsel for the party respondents that they would not interfere with the mining activity, provided it was carried out from the properties owned by the writ petitioner.

Learned counsel for the review petitioner submits that the above order happened to be passed because of the collusion between the party respondents and the Company. There is no material to substantiate the above contention. Further, this Court had only passed the order referred to above on the basis of the submission made by the party respondents who were before the court. If any of the rights of the petitioners are affected in any manner, it will be open to them to take recourse to the remedies available to them under law. We do not find any reason to entertain this petition for review, since there is no error apparent on the face of the judgment. Therefore the petition is dismissed.

**A.K. Basheer
Judge.**

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**S. Siri Jagan
Judge.**